

Decision on the Implementation of the Assembly Decision on the Abuse of the Principle of Universal Jurisdiction – Doc. Assembly/AU/3(XII)

The Assembly:

1. TAKES NOTE of the Progress Report of the Commission on the Implementation of the Assembly Decision Assembly/AU/ Dec.199(XI) adopted by the Assembly in Sharm El-Sheikh, Egypt, in July 2008 on the Abuse of the Principle of Universal Jurisdiction;
2. ALSO TAKES NOTE of the work of the African Union-European Union (AU-EU) Technical Ad-hoc Expert Group set up by the Eleventh AU-EU Ministerial Troika with the mandate to clarify the respective understanding on the African and EU side on the principle of universal jurisdiction;
3. REITERATES its commitment to fighting impunity in conformity with the provisions of Article 4(h) of the Constitutive Act of the African Union;
4. EXPRESSES its regret that in spite of its previous Summit decision calling for a moratorium and whilst the African Union (AU) and the European Union (EU) were already in discussion to find a durable solution to this issue, a warrant of arrest was executed against Mrs Rose Kabuye, Chief of Protocol to the President of the Republic of Rwanda, thereby creating tension between the AU and the EU;
5. UNDERSCORES that the African Union speaking with one voice, is the appropriate collective response to counter the exercise of power by strong states over weak states;
6. REITERATES its appeal to all United Nations (UN) Member States, in particular the EU States, to suspend the execution of warrants issued by individual European States until all the legal and political issues have been exhaustively discussed between the AU, the EU and the UN;
7. REQUESTS the Chairperson of the African Union to follow up on this matter with a view to ensuring that it is exhaustively discussed at the level of the UN Security Council and the UN General Assembly;
8. URGES the AU and EU Commissions to extend the necessary support to the Joint Technical Ad-hoc Expert Group;
9. REQUESTS the Commission, in consultation with the African Commission on Human and Peoples' Rights, and the African Court on Human and Peoples'

Rights, to examine the implications of the Court being empowered to try international crimes such as genocide, crimes against humanity and war crimes, and report thereon to the Assembly in 2010.

10. ALSO REQUESTS the Commission to follow up on this matter with a view to ensuring that a definitive solution to this problem is reached and to report to the next ordinary session of the Assembly through the Executive Council in July 2009.